

SENATE No. 1092

By Mr. Walsh, a petition (accompanied by bill, Senate, No. 1092) of Joseph B. Walsh for legislation relative to judicial leaves of absence. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT RELATIVE TO JUDICIAL LEAVES OF ABSENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any special or General Laws to the con-
2 trary, a judge, having completed ten years full-time judicial
3 service shall be entitled to a leave of absence only under the
4 following conditions: —

- 5 (1) Such leave of absence shall be unpaid;
- 6 (2) It shall be spent at a degree granting, state approved
7 academic institution or at an accredited language school, but
8 it shall not be required that studies be law-related.
- 9 (3) During the period of such leave, the Judge shall not
10 engage in the practice of law or any other gainful employ-
11 ment; nor shall he participate for payment in any other
12 activity judicial or otherwise unless such activity would be
13 authorized to a Judge performing full time active service. The
14 Judge, during the period of leave of absence shall be subject
15 to all provisions of the Code of Judicial Conduct and all other
16 rules promulgated for Judges performing full time in their
17 office as well as all laws applicable to full-time Justices.
- 18 (4) During such leave of absence all statutory rights and
19 duties of the Judge shall be assumed by another Judge assign-
20 ed by the Administrative Justice of the Department who shall
21 serve at the pleasure of the Administrative Justice, except
22 that in the case of a Judge who is the First Justice of a Divi-
23 sion to which another Justice is also assigned, all administra-
24 tive rights and obligations shall be performed by the senior

25 Justice of that Division, seniority to be determined according
26 to the laws then in effect.

27 (5) Time spent on leave of absence shall not be included as
28 tenure for Judicial retirement purposes unless the Judge con-
29 tributes $7\frac{1}{2}\%$ of his gross salary for each year of such leave
30 of absence and for each year of Judicial service preceding
31 such leave.

32 (6) During the period of leave of absence, the Judge shall
33 not be entitled to optional State Employee Life Insurance or
34 Medical Insurance except by contributing at his own expense,
35 at the same rate and in the same amount which would have
36 been deducted from his salary were he performing full-time
37 Judicial service.

38 (7) Such leaves of absence shall be granted on an annual
39 basis upon written notice of intent submitted to the Chief
40 Administrative Justice and the Administrative Justice of the
41 Department at least sixty days prior to its commencement
42 and may be renewed annually for a total of five years under
43 the same conditions including notice as otherwise stated in
44 this Act provided further that each period of leave shall be
45 for at least one year and further provided that in order to be
46 entitled to the maximum period of leave of absence a Judge
47 must be able to have performed at least twenty-three years
48 of full time Judicial service exclusive of time spent on leave
49 of absence were he to choose to serve in Judicial office until
50 age seventy. Nothing in this act shall be construed to dis-
51 qualify a Judge from any retirement to which he would other-
52 wise be entitled under any other Act of the Commonwealth.